



# City of Harrisonburg, Virginia

## Planning Commission Meeting

May 12, 2010

7:00 p.m.

Regular Meeting  
409 South Main Street

- 1) **Call to order, roll call, determination of quorum, and review/approval of minutes from the April 14, 2010 regular meeting.**

- 2) **New Business**

*Rezoning – Southbury Station Proffer Amendment 2010*

Public hearing to consider a request from Bill Neff, with representative Babcock, LLC, to rezone 60.43 +/- acres by amending proffers on property zoned R-5C, High Density Residential District Conditional. The property has approximately 40-feet of frontage along South Main Street with the majority of the property located between Boxwood Court and Kaylor Park Drive, adjacent to I-81. The properties can be found on tax maps 2-C-1, 2-D-0, 6-10, and 103-A-5A.

*Special Use Permit – Southbury Station 2010 (10-3-55.4(1))*

Public hearing to consider a request from Bill Neff, with representative Babcock, LLC for a special use permit per Section 10-3-55.4 (1) of the Zoning Ordinance to allow multiple-family dwellings of more than twelve units per building in the R-5, High Density Residential District. The property is located between Boxwood Court and Kaylor Park Drive, adjacent to I-81. The properties can be found on tax maps 2-C-1, 2-D-0, 6-10, and 103-A-5A.

*Ordinance Amendment – Zoning Ordinance Amendments Section 10-3-21, 10-3-84, & 10-3-109*

Public hearing to consider a request to amend Sections 10-3-21, 10-3-84, and 10-3-109 for corrections and an addition to the Zoning Ordinance.

- 3) **Unfinished Business**

- 4) **Public Input**

- 5) **Report of secretary and committees**

*Proactive Zoning*

- 6) **Other Matters**

- 7) **Adjournment**

Staff will be available Tuesday June 8, 2010 at 2:30 p.m. for those interested in going on a field trip to view the sites for the June 9, 2010 agenda.

## **MINUTES OF HARRISONBURG PLANNING COMMISSION**

**April 14, 2010**

The Harrisonburg Planning Commission held its regular meeting on Wednesday, April 14, 2010, at 7:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Richard Baugh, Charles Chenault, Muawia Da'Mes, Alan Finks, Deb Fitzgerald, Bill Jones and J.M. Snell.

Members absent: none.

Also present: Stacy Turner, Director of Planning and Community Development; Alison Banks, Planner and Secretary.

Chairman Jones called the meeting to order and determined there was a quorum with all members in attendance. He then asked for review and approval of the minutes from the March 10, 2010 regular Planning Commission meeting.

Mr. Chenault moved to approve the minutes as presented.

Mr. Snell seconded the motion.

Mr. Finks and Mrs. Fitzgerald abstained from voting because they were not in attendance at the March meeting.

All voted in favor of approving the minutes. (5-0)

### **New Business**

#### ***Rezoning – Southbury Station 2010 Proffer Amendment***

Chairman Jones read the request and stated within everyone's packet is a letter from the applicant requesting a continuance until next month's meeting, May 12<sup>th</sup>. We need a motion on this to continue it for the thirty days.

Mr. Snell moved to continue this request until next month.

Mrs. Fitzgerald seconded the motion.

All voted in favor of the continuance until the May 12, 2010 Planning Commission Meeting.

#### ***Preliminary Plat with variance requests – Potters House Worship Center***

Chairman Jones read the request and asked staff to report.

Mrs. Banks said the Comprehensive Plan designates this area as Low-Density Residential. This designation states that these areas consist of single-family detached dwellings with a maximum density of 1 to 4 units per acre. Low-density sections are found mainly in well-established neighborhoods and are designed to maintain the existing character of neighborhoods and to provide traditional areas for home ownership.

The following land uses are located on and adjacent to the property:

Site: Potters House Worship Center, zoned R-1

North: Across West Market Street, a non-conforming agricultural use and a non-conforming business use, zoned R-1

East: Single-family dwellings, zoned R-1

South: Single-family dwellings, zoned R-1

West: Single-family dwellings, zoned R-1

The applicants are requesting to preliminarily subdivide a 10,000 square foot parcel from a 7.57-acre +/- tract of land where Potters House Worship Center is located. Additionally, the applicants are requesting a variance from the Subdivision Ordinance per Section 10-2-66 and 10-2-67 to not construct sidewalk along the street frontage of the developing parcel. At present, the Potters House Worship Center acreage has street frontage along West Market Street, Sunny Acres Lane, Leonard Court, and Rhianon Lane. The proposed lot would front directly on, as well as be accessed from, Rhianon Lane. The new lot would be situated within the R-1, Single-family Residential District subdivision of Hampshire Estates and would meet all the area and dimensional regulations for a single-family lot in R-1.

Section 10-2-66 of the Subdivision Ordinance states street improvements shall be provided with each new subdivision in accordance with standards and specifications of the City, and Section 10-2-67 requires the street improvements to be installed by the applicant at their expense. Therefore, once subdivided and developed the proposed new lot would be required to have sidewalk along its frontage with Rhianon Lane. The applicants are requesting a variance to these sections based on the fact that the street frontage for the new lot is approximately 45 feet. Once an entrance and driveway are installed to the property, the actual frontage for sidewalk would be reduced to as little as 17 feet. As well, the existing sidewalk within Hampshire Estates Subdivision is along the opposite side of Rhianon Lane. For these reasons staff is not opposed to the requested variances.

This preliminary plat was originally submitted in 2006, but because of issues with the extension of a sanitary sewer line to the proposed lot, the subdivision never occurred. The applicants and their engineer have worked closely with the Public Utilities Department to resolve the issues and have submitted a valid option to provide sewer to the new parcel. Staff recommends approval of the preliminary plat with the requested variances.

Chairman Jones asked if there were any questions for staff.

Mr. Da'Mes asked staff as to why the Hampshire Estates Subdivision was established with sidewalk on only one side.

Mrs. Banks replied that when Hampshire Estates was developed the requirement for sidewalk was only on one side of the street; not both sides as we have now.

Chairman Jones asked if there were any further questions. Hearing none, he said this is not a public hearing; however, if the applicant desires to speak they may do so at this time.

Ms. Beth Alcox said she is the realtor representing Potters House Worship Center and Mrs. Banks did a great presentation on this request. The Center is trying to create this one extra lot in order to sell and help the Church financially; it is a lot that they will never use.

Chairman Jones asked if there was any discussion from the Planning Commission.

Mr. Snell moved for a favorable recommendation of the preliminary plat to City Council with the requested variances to not have sidewalk.

Mr. Da'Mes seconded the motion.

Chairman Jones said there is a motion to recommend approval and a second. He then called for a voice vote.

All voted in favor of the motion. (7-0)

Chairman Jones said this will go before City Council on May 11, 2010.

***Special Use Permit – 627 South Mason Street (Major Family Day Home)***

Chairman Jones read the request and asked staff to review.

Mrs. Banks said the Comprehensive Plan designates this area as Neighborhood Residential. This designation states that this type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. These are older neighborhoods, which can be characterized by large housing units on small lots.

The following land uses are located on and adjacent to the property:

Site: Single-family dwelling and minor family day home operation, zoned U-R/R-P

North: Dwellings, zoned U-R/R-P

East: Across South Mason Street, dwellings, zoned U-R

South: Dwellings, zoned U-R/-P

West: Dwellings, zoned U-R/R-P

A “Major family day home” is defined as: *A child day care program offered in the residence of the provider or the home of any of the children in care for six (6) through twelve (12) children under the age of thirteen (13), exclusive of any children who reside in the home, when at least one (1) child receives care for compensation.* The applicant is requesting a special use permit per Section 10-3-180 (5) of the Zoning Ordinance to allow a “major family day home” within the U-R, Urban Residential District and the R-P, Residential Professional Overlay District. The site of the request, 627 South Mason Street, is located along the western side of South Mason Street between its intersections with Cantrell Avenue and East Grattan Street.

Currently, Koontz Family Day Home, a “minor family day home”, is operating from the single-family dwelling located on the property. The “minor family day home” use is allowed through the home occupation permit process and is defined in the Zoning Ordinance as *a child day care program offered in the residence of the provider or the home of any of the children in care for one (1) through five (5) children under the age of thirteen (13), exclusive of any children who reside in the home, when at least one (1) child receives care for compensation. No conditions more restrictive than those imposed on residences occupied by a single-family shall be imposed on the day home.* Along with having a home occupation permit, the Koontz Family Day Home is also licensed by the Virginia Department of Social Services (VDSS) for a capacity of up to five children, between the ages of 1 month to 5 years, 11 months. At present, three children are cared for at the “minor family day home”, which operates from 6:30 a.m. to 5:30 p.m. The applicant has stated that she desires to keep more than five children and needs the special use permit, before VDSS would license her for more.

The VDSS has strict requirements regarding issues such as safety, cleanliness, play time, and floor area, that individuals must meet in order to obtain a license to provide child care in a home.

Approval and licensing from the VDSS does not, however, exempt an applicant from maintaining compliance with local ordinances or laws. Approval of this special use permit would allow for the applicant to operate as a "major family day home", with the proper licensing from the VDSS for more than five children.

The property is situated within a blue zone permit parking area; therefore, parking permits are necessary at all times. Additionally, the portion of South Mason Street directly in front of the home is a right turn lane for traffic turning onto Cantrell Avenue and is marked for "no parking." The applicants have a shared driveway which parents currently utilize to drop-off and pick-up children. The driveway is large enough to maneuver two vehicles in, as well as turn-around at the back of the home if necessary. Also, a visitor parking pass could be made use of to allow a parent to park along the street.

Staff has no concerns with the operation of a Major Family Day Home at this location and recommends approval of the special use permit request for 627 South Mason Street.

Chairman Jones asked if there were any questions for staff. Hearing none, he opened the public hearing and asked the applicant or the applicant's representative to speak.

Ms. Tara Koontz, applicant's representative and resident of 627 South Mason Street, said she would be happy to answer any questions that Planning Commission may have.

Mr. Snell said his only concern is that your driveway is at the beginning point for the right turn only lane, with no parking along that side of the street. Do you discuss with the parents of the children to ensure that they are not stopping to drop off children along that portion of the street? Granted with a six week old child this would not be occurring; however, with a five year old I can visualize a parent just dropping off at the curbside.

Mrs. Koontz said she does talk to them about this and none of her parents stop along the street, they pull into the driveway.

Mr. Da'Mes said can we have your assurance that you will request of your daycare parents to utilize the driveway and not do curbside.

Mrs. Koontz replied yes, she definitely tells everyone and will continue to inform any new parents in the future.

Mrs. Banks said there is available, permitted, curbside parking north of Mrs. Koontz's driveway; we parked there on our tour yesterday.

Chairman Jones asked if there was anyone wishing to speak in favor of this proposal. Hearing none, he asked if there was anyone wishing to speak in opposition of this proposal. Hearing none, he closed the public hearing and asked if there was any discussion or a motion at this time.

Mr. Finks moved to recommend approval of the special use permit for a major family day home.

Mrs. Fitzgerald seconded the motion.

Chairman Jones said there is a motion to recommend approval and a second. He then called for a voice vote.

All voted in favor of the motion. (7-0)

Chairman Jones said this will go before City Council on May 11, 2010.

***Rezoning – 139 and 147 West Water Street (R-3C to B-1C)***

Chairman Jones read the request and asked staff to review.

Mrs. Turner said the Comprehensive Plan designates this area as Mixed Use Development. This designation includes both existing and proposed new mixed use areas. These areas are intended to combine residential and non-residential uses in planned neighborhoods where the different uses are finely mixed instead of separated. These areas are prime candidates for “live-work” and traditional neighborhood developments. Live-work developments combine residential and office/service uses allowing people to both live and work in the same area.

The following land uses are located on and adjacent to the property:

- Site: Two houses zoned R-3C, most recently used as professional office and residential
- North: Across Water Street, Community Mennonite Church and Fairfield Language Technologies, zoned M-1 and B-1 respectively
- East: Single family home zoned M-1 and C & W Railroad right of way
- South: Parking lot owned by Layman, Diener and Borntrager zoned M-1
- West: Single family home zoned M-1

Both 139 and 147 W. Water Street were rezoned from M-1 to R-3C, Multiple Dwelling Residential District Conditional in June 2004 and September 2005 respectively, at the request of the applicant, Stephan Hess. The proffered conditions for both properties were identical, that the properties would be used for: all uses permitted in the R-1, Single family Residential District, or professional and medical offices.

Prior to these rezonings, the residential uses of the buildings were considered nonconforming uses. The rezoning allowed both the residential uses and the anticipated professional offices to be considered conforming uses. After the rezoning, the buildings remain nonconforming to multiple setback requirements. The rezonings also aligned the zoning more closely with the Comprehensive Plan’s land use designation of Mixed Use Development than the previous M-1 zoning. Since the rezonings, parking has been added behind the buildings and they have been occupied both residentially and by professional offices.

The property owner is currently trying to lease the properties and has found interest from businesses such as service providers and retailers. He feels that rezoning the property to B-1, Central Business District, will provide increased opportunities in the leasing of the buildings. The B-1 classification permits multiple uses, including mercantile, service, restaurant, professional and business offices, hotels, institutional uses and housing with the added benefit of having no setback or parking requirements. With no setback requirements, the existing buildings on these lots would become conforming to the zoning ordinance. The applicant is aware that additional uses of these buildings could trigger the need for improvements to meet building codes. The current driveway on the site, between the two buildings, has limited sight distance towards Liberty Street because of the house on the adjacent lot. If this property is redeveloped in the future, and the driveway was to remain, this issue would need to be addressed.

A rezoning would also allow more signage. The current R-3 classification limits signs for nonresidential uses to twenty-four (24) square feet in area for each main building or use, with a maximum height of six (6) feet. The B-1 classification would permit sign area based on site

frontage—about forty (40) square feet per lot—and a maximum height of thirty (30) feet. The signage allowed by B-1 is similar to the signage permitted on the adjacent M-1 properties.

The Comprehensive Plan anticipates Mixed Use Development for this area, which is compatible with the B-1 zoning. Staff was concerned that a rezoning of this small area alone could simply result in future development of residential uses similar to what's found in our R-3 areas, without consideration to the mixed use or architectural elements that we want to encourage in our downtown area. To address this concern regarding multi family use, the applicant has proffered:

“... to allow all uses permitted by right and by special use permit under sections 10-3-84 and 10-3-85 of the Harrisonburg Zoning Ordinance; amending, however, section 10-3-84 subsection (3) to read: Hotels, motels and buildings used for **two or less** dwelling unit(s), CBD, as defined under Section 10-3-24. Dwelling unit(s), CBD, may be occupied by a family or not more than four persons, except that such occupancy may be superseded by building regulations.”

If this property was to ever be part of a larger scale urban development in this area, the additional properties would also have to be rezoned and these proffers could be modified to suit the project as part of the larger rezoning.

While this rezoning could be considered a natural extension of our downtown area and in compliance with the Comprehensive Plan land use guide, any expansion of our B-1 district may add to the need for additional downtown parking spaces. Because the B-1 classification does not require parking spaces, any additional land requested to be added to the classification should be evaluated for its potential impact on parking demand. The closest public parking to these lots is about 350 feet away, at the Water Street parking deck. It has been documented recently that this is one of the highest use City parking facilities. Although the subject property's size may be viewed as small enough not to cause parking concerns, it is larger than many very busy locations downtown. This is a factor of the absence of setbacks in the B-1 district and also the ability to build up to 75 feet in height. In addition, these two parcels are part of a larger block of properties which may also request rezoning to B-1. With the current building configuration, the site would easily accommodate about 15 parking spaces. Staff is concerned that rezoning property in this area without consideration for how the parking need will be met is not in the best interests of our downtown area or the city in general.

On Friday (April 9<sup>th</sup>) when we submitted the planning packet to you we were not recommending in favor of this request because there would be no assurance that any parking would be maintained on these lots. Since that time on Friday, after the packets were delivered, Mr. Hess did bring a new proffer letter in to us, it is placed before each of you. With that they did add a proffer to this request that they would provide and maintain ten off street parking spaces on the properties. I also want to note that the lots are owned in common now; but, if they were to ever separate them, because of this proffer, they would need to create some easements between the two lots so that the driveway would be able to be utilized by the two lots and parking could be shared. We have discussed this with the applicants.

Staff is appreciative of the owner's proffer to keep the lots from development as routine apartment buildings and the fact that the request is in line with the Comprehensive Plan. They have addressed the parking concern and staff is recommending for approval of this rezoning request.

Chairman Jones asked if there were any questions for staff. Hearing none, he opened the public hearing and asked the applicant of applicant's representative to speak.

Mr. Stephan Hess said he is one of the owners of the properties; he then introduced his partner David Allen. If you have any questions regarding this request I would like to answer them.

Chairman Jones asked if there were any questions for Mr. Hess. Hearing none, he asked if there was anyone else with the applicant wishing to speak. Hearing none, he asked if there was anyone wishing to speak in favor or in opposition of this proposal. Hearing none, he closed the public hearing and asked if there was any discussion or a motion at this time.

Mr. Chenault moved to recommend approval of the rezoning request with the two proffers.

Mr. Finks seconded the motion.

Mr. Da'Mes said this really comes to a question as to where do we stop with the B-1 zoning. Last year we approved the property adjacent to this to be rezoned to B-1; that rezoning made perfect sense as it was an extension of Rosetta Stone. Where does the buffer between the residential and the B-1 begin? That transition is where the mixed-use concept should come into play. I am just trying to get some thoughts from others as to where do we start the transition.

Mr. Chenault said with Harrisonburg Downtown Renaissance (HDR) and Eugene Stolfus conceptual design of what downtown Central Business District would appear like, we look at South High Street as being the dividing line on the west side of the district. When you look at this entire corridor from Bruce Street all the way to Gay Street, you find a lot of houses of this nature, and of similar lot size, that are being put to a comparable use as is being requested tonight. That seems to me to be the natural demarcation as to what the Central Business District is going to look like. We have mixed uses in this area; we have one that is approved, but has not been constructed yet. For me personally, South High Street is where I see the line and I see Mason Street in a similar vein as well.

Mr. Snell said I agree, except I would add the west side of South High Street; just that first row. The buffer is then created by South High Street being the last access point into the last of the Central Business District. It somewhat exists like that already, there are doctor offices, business offices, and other professional offices now.

Chairman Jones asked if there was any further discussion. Hearing none, he said there is a motion and a second and called for a voice vote.

All voted in favor of the motion to recommend approval of the rezoning request.

Chairman Jones said this will move forward to City Council on May 11<sup>th</sup>.

### **Unfinished Business**

None.

### **Public Input**

None.

### **Report of secretary and committees**

Mrs. Banks said City Zoning Inspectors visited the Forest Hills / JMU section of the City and found only one violation; an inoperable vehicle. Next, they will visit the South Main Street area.



Mr. Baugh said the City Council reviewed three items from Planning Commission last night. A proffer change from the Community Services Board on North Main Street, the Master Plan Changes at Eastern Mennonite University, and various ordinance amendments were all unanimously approved.

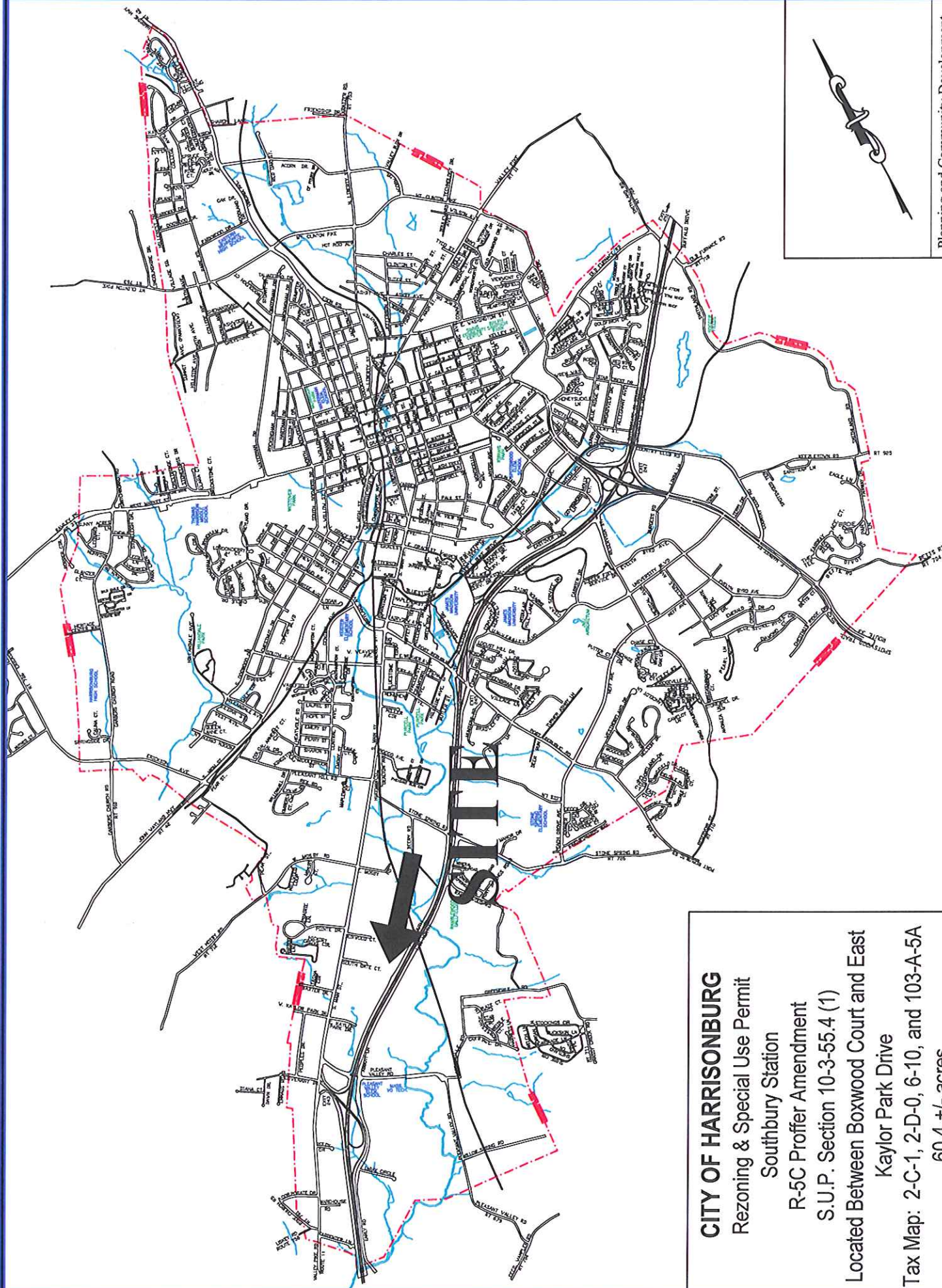
**Other Matters**

Mr. Da'Mes gave a picture presentation and narration of his recent trip to Davis, CA, with the bicycle delegation from Harrisonburg.

Mrs. Banks gave a brief update on the Comprehensive Plan Review progress and said posters and flyers are available for anyone to take with them tonight.

**Adjournment**

The meeting was adjourned at 8:30 p.m.



## CITY OF HARRISONBURG

Rezoning & Special Use Permit

Southbury Station

R-5C Proffer Amendment

S.U.P. Section 10-3-55.4 (1)

Located Between Boxwood Court and East

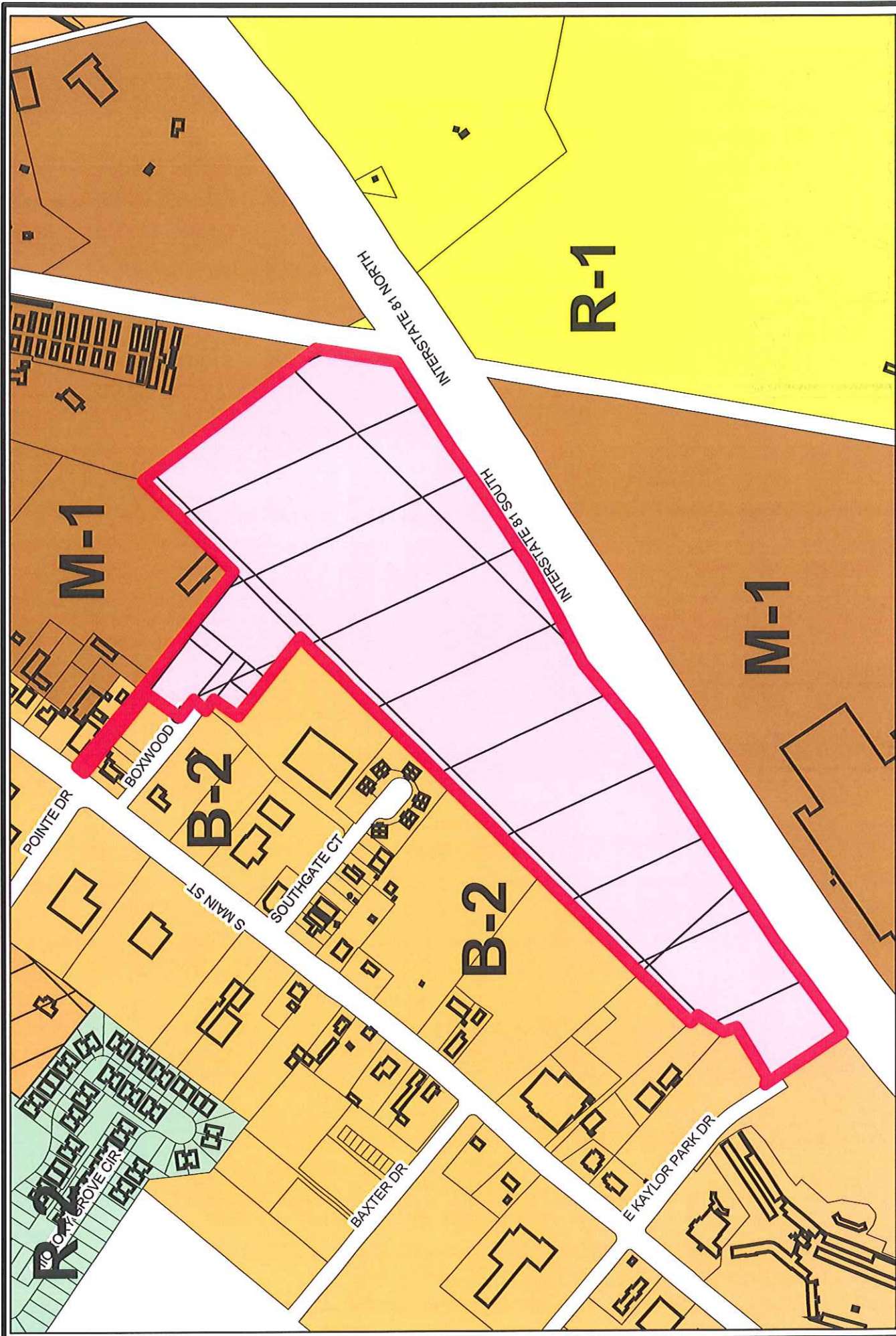
Kaylor Park Drive

Tax Map: 2-C-1, 2-D-0, 6-10, and 103-A-5A

60.4 +/- acres

**LOCATION MAP**





# Southbury Station

## Proffer Amendment & S.U.P. 10-3-55.4(1)



# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

## STAFF REPORT May 12, 2010

### REZONING – SOUTHBURY STATION PROFFER AMENDMENT 2010 SPECIAL USE PERMIT – SECTION 10-3-55.4 (1) TO ALLOW MORE THAN 12 UNITS

#### GENERAL INFORMATION

**Applicant:** Bill Neff and contract purchaser Babcock, LLC, with representative Valley Engineering-Surveying-Planning

**Tax Map:** 2-C-1, 2-D-0, 2-D-6 through 10 and a portion of 103-A-5A

**Acreage:** 60.43 +/- acres

**Location:** Between South Main Street and I-81 and between Boxwood Court and East Kaylor Park Drive

**Request:** Public hearing to consider a request to rezone 60.43 +/- acres by amending proffers on property zoned R-5C, High Density Residential District Conditional and for a special use permit per Section 10-3-55.4 (1) to allow multiple dwellings of more than 12 units per building.

#### LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates this area as Medium-Density mixed Residential. This designation is intended for small-lot single family detached and single family attached neighborhoods where green spaces are integral design features. Apartments could also be permitted under special circumstances. The gross development in these areas should be in the range of 4-12 dwelling units per acre.

The following land uses are located on and adjacent to the property:

**Site:** Undeveloped land, zoned R-5C

**North:** Industrial Uses including tractor trailer truck service and mini storage, zoned M-1

**East:** Across I-81, manufacturing facility and closed City landfill, zoned M-1 and R-1

**South:** Undeveloped land, zoned B-2

**West:** Various commercial uses along South Main Street, zoned B-2

#### EVALUATION

This property was the subject of requests for both a Comprehensive Plan amendment and a rezoning in 2006. At the time, the applicant received approval of the Comprehensive Plan Amendment and also to rezone the property from M-1, General Industrial District and B-2, General Business District to R-7, Medium Density Mixed Residential Planned Community District. The plan of development proposed 326 townhouses and 140 apartments, which had a public street running through the development

connecting Kaylor Park Drive to a proposed relocated Boxwood Court. Staff recommended against both requests due to transportation issues and land use concerns; Planning Commission had a neutral vote of 3-3 on the requests and they were approved by City Council by a vote of 5-0.

In January 2007, the property owner requested a revision to the development plan that required a submission for rezoning. This was primarily due to problems with acquiring right-of-way from adjacent property owners to relocate Boxwood Court as planned. The proposed change used the existing Boxwood Court and required the installation of a phased traffic signal for Boxwood Court and Pointe Drive. Staff, again, did not recommend this plan. Planning Commission unanimously recommended denial and City Council denied the request with a vote of 3-2.

In October 2007, the property was again under review, this time to rezone the property to R-5C, High Density Residential District Conditional. This request reflected a change from townhouses and apartments to 322 condominiums and 144 apartments—each able to be occupied by a maximum of four unrelated individuals with the zoning change. The plans reflected one access from East Kaylor Park Drive, which was a private street that would serve the entire development. An emergency service access would have been built from the existing Boxwood Court right-of-way, accessible through a breakaway gate. Staff, again, recommended against the change due to the transportation concerns of having only one entrance and also because of the increase in occupancy. Planning Commission recommended in favor of the request by a vote of 5-2 and City Council approved the rezoning by a vote of 3-2.

There is now a different company interested in developing the property and they are requesting to amend the proffers on the previously approved plan of development; therefore, if approved the property would remain zoned R-5C. The developer is also concurrently requesting a special use permit per Section 10-3-55.4 (1) to allow more than 12 units per building. Although the previous proposal received approval for the same special use permit, that application specified that only nine buildings would exceed the by-right requirement, therefore it could not be transferred for this development.

In brief, the submitted plan would not increase density beyond the currently approved 466 units and it would not be dramatically different than the existing layout and concept. Although unit density would be equivalent, the proposed total occupancy would actually decrease because the approved plan anticipated each unit to have four bedrooms whereas the proposed plan anticipates one, two, and four bedroom units. The proffers for both the approved plan and the proposed plan are provided below for comparison. The more obvious changes include: changing the development from a mixture of condominiums and apartments to all apartment units, relocating and enlarging the community center, changing the look and style of the buildings, and designing a right-in/right-out traffic control for the Boxwood Court intersection with South Main Street. Their intent would be to market the units to students, which arguably is what the approved plan would market to even if condominiums were constructed.

The existing proffered regulations for this property were approved with a specific plan of development. For clarification and for comparison with the new proffers, the existing proffers are as follows:

- Development of Southbury Station shall be in substantial conformance with the Master Development Plan. However, it is understood that building and parking configurations may be modified during final grading and utility design or upon discovery of any unforeseen circumstances in accordance with all applicable ordinances.
- No more than 466 units will be constructed within Southbury Station.

- One hundred and ten percent (110%) of parking spaces required by the City of Harrisonburg will be provided by the time of completion of Southbury Station.
- The developer shall install, at his expense, traffic signals at the intersection of South Main Street and Kaylor Park Drive.
- Bike racks and bus stop shelters shall be provided and installed by the developer with the first phase of residential construction.
- Architectural style of building shall be varied. At least thirty percent (30%) of the façade of the buildings shall be brick veneer. There shall be no exposed corrugated steel or exposed block masonry on buildings. Façade shall be defined as the main face or front of a building.
- Street lighting shall be installed throughout the development. Street lighting shall include fixtures intended to reduce glare and light pollution and shall be appropriate to a residential community.
- Open space parks, playgrounds, picnic areas and trails shall be developed concurrently with the adjacent residential development.
- The community center building shall be constructed when no more than seventy-five per cent (75%) of the residential units have been completed.
- All areas not paved or built upon shall be seeded, sodded and/or landscaped to provide an attractive appearance.
- Natural vegetative buffers and landscaping, as defined by the Master Development Plan, shall be installed concurrently with the adjacent residential development.
- The owner, same as applicant here, of Lot 2, Section, of South Harrisonburg Commercial Park agrees to dedicate future Right-of-Way and construction easements as needed for the proposed roundabout as shown in conformance with the Master Development Plan.

The developer is submitting the following details to amend and replace the existing proffers (note that several proffers remain the same):

1. Roadway, parking, and building configurations within the proposed development shall be in substantial conformance to the provided Plan of Development, except as allowed for in Item #9 below. However, it is understood that building and parking configurations may be modified during final grading and utility design or upon discovery of unforeseen circumstances in accordance with all applicable codes and ordinances.
2. No more than 466 units shall be constructed within the proposed development.
3. The first phase of the development shall consist of no more than 222 units.
4. A minimum of one hundred and ten percent (110%) of parking spaces required by the City Harrisonburg parking regulations shall be provided within the proposed Development by the time of completion.
5. The developer shall not apply for or be granted a permanent certificate of occupancy for any residential unit within the development prior to the completion of construction of East Kaylor Park Drive, between South Main Street and the proposed roundabout at site entrance, and acceptance of said construction by City Administration.
6. The developer shall install landscaping at the center of the proposed roundabout island on East Kaylor Park Drive, to be located at the site entrance. Maintenance of such landscaping shall be the sole responsibility of the developer. Should the Developer fail to maintain such landscaping to the satisfaction of City officials, the developer shall reimburse the City for any and all costs associated with the City's removal of such landscaping.
7. The developer shall install traffic signals at the intersection of South Main St. and Kaylor Park Dr., and shall bear all expenses associated therewith. The developer shall not apply for or be granted a permanent certificate of occupancy for any residential unit within the development prior to such traffic signals being accepted by City Administration.



8. An emergency access route to Boxwood Court, constructed to minimum City standards for emergency access routes, shall be provided as part of the first phase of the development.
9. The developer shall not apply for or be granted permanent certificates of occupancy for more than 222 residential units prior to the completion and acceptance (by City officials) of Boxwood Court, and completion of the private street connecting to it. As part of this construction, the intersection of Boxwood Court and South Main Street shall be improved to accommodate a "right-in right-out" configuration, through implementation of a 2'-wide concrete median along a portion of South Main Street, as depicted in the attached Plan of Development. Alternatives and/or alterations to the intersection's proposed configuration shall be allowed if and when agreed to by both City Administration and the developer.
10. The developer shall install signage reading "No Parking – Violators Will Be Towed," or similar, along the primary private street within the development.
11. Bike racks and a bus stop shelter shall be provided and installed by the developer during the first phase of the development construction. Placement shall be coordinated with the City of Harrisonburg's Department of Public Transportation.
12. Architectural style of buildings shall be varied. At least thirty percent (30%) of the façade of each residential building shall be brick or stone veneer. There shall be no exposed corrugated steel or exposed masonry on buildings. Façade shall be defined as the main face or front of a building.
13. Street lighting shall be installed throughout the development. Street lighting shall include fixtures intended to reduce glare and light pollution and shall be appropriate to a residential community.
14. The developer shall install blue-light emergency phones throughout the development, concurrently with the adjacent Development's construction. Placement of such phones shall be coordinated with the Harrisonburg Police Department.
15. Crime Prevention Through Environmental Design (CPTED) techniques shall be utilized in the design of the Development.
16. Open space parks and recreational facilities shall be developed concurrently with the adjacent residential development. At least a portion of the recreation facilities shall be constructed during the first phase of the development's construction. This first portion, at a minimum, shall consist of the development's community center pool, a basketball court, a tennis court, a volleyball court, and an open recreational field.
17. The community center building shall be constructed during the first phase of the development's construction.
18. Natural vegetative buffers and landscaping shall be installed concurrently with the adjacent residential Development in the following manner.
  - a. All areas not paved or built upon shall be seeded, covered with sod, or landscaped to provide an attractive appearance throughout the development.
  - b. The primary private street shall be lined with deciduous trees, spaced at no greater distance than 50 feet. Trees shall be a minimum of 2" in caliper at time of planting.
  - c. Shade trees shall be planted or either within or along the perimeter of all parking areas, at the rate of one tree per twenty parking spaces provided. Trees shall be a minimum of 2" in caliper at time of planting.
  - d. A ten-foot-wide vegetative buffer easement shall be provided along the western property line, to approximate limits depicted in the referenced Plan of Development, for the planting and maintenance of vegetative screening consisting of conifers and broadleaf evergreen trees and shrubs. Minimum heights at planting shall be 48" for such trees, and 24" for such shrubs.
  - e. Exceptions shall be made for instances that would impact emergency response or conflict with any applicable codes, ordinances or utility placement.
19. Bicycle and pedestrian facilities shall be provided, at a minimum, along the primary street through the development.

20. The developer shall construct a multi-use path that shall connect bicycle and pedestrian facilities allowed for in Item #19, above, to a planned City multi-use path at the northern property limits. Details of this connection shall be designed in close coordination with City Staff at time of connection. Connection to City path shall be made within 180 days of the City's completion of connecting leg.
21. The developer shall design and reserve an easement along the eastern side of the property for future dedication to City for the construction and maintenance of a ten-foot-wide multi-use path. Location of such trail is approximately shown on the referenced Plan of Development. Width of such easement shall be generally between twenty feet (wider, as necessary for proper facility maintenance). Precise location and width of such easement shall be professionally designed, at the sole cost of the developer, as part of the development's first phase construction documents. Dedication of such easement to the City shall be made within 60 days of City's completion of construction of preceding connecting leg (referenced in Item #20, above). Should significant obstacles present themselves prior to the dedication of this easement, City Administration may refuse the requirements put forth in this proffered condition.

As one can read, and view on the submitted layout, the details of this development are fairly specific, yet several features should be clarified. First, proffer #9, which refers to the design layout of Boxwood Court, specifies that alternatives and/or alterations to its intersection with South Main Street shall be allowed if agreed by both the City Administration and the developer. This issue is in regard to the City's concern with the functionality of the Boxwood Court/Pointe Drive skewed intersection with South Main Street. The language was worded in manner to allow for a change in design if the City and the developer could work out a better alternative, such as some type of development scenario where Boxwood Court and Pointe Drive align, some other type of traffic control, or an alternative location for a secondary access. The right-in/right-out traffic will be controlled by a two-foot wide concrete median, placed in South Main Street. To be clear, if this rezoning is approved, unlike the approved plan of development, all traffic could utilize Boxwood Court to enter and exit the development (the approved plan only permits emergency response personnel through a break-away gate system).

The elevation diagrams that are provided within the packet of information for this proposal are only an example of what the buildings could look like. They should *not* be considered as a proffered rendering associated with Proffer # 12, which describes the details of the architectural style of the buildings. Also, unlike the existing plan of development where only specific buildings required the special use permit to exceed the total number of units per building, each residential building within this proposal would exceed 12 units per building, which is why they are concurrently requesting the special use permit per Section 10-3-55.4 (1).

The Crime Prevention Through Environmental Design techniques, mentioned in Proffer #15, are international design standards that can be used to deter criminal behavior by relying on the built environment. In utilizing these techniques the developer would consider the placement of things like lighting, pedestrian facilities, and landscaping while also considering the characteristics of the buildings such as the placement of windows and doors.

Staff welcomes the additional detail the developer has provided about the landscaping plans. We also appreciate that the proposed layout offers a little more open/green space and more recreational facilities than the approved plan. The submitted layout also incorporates both pedestrian and bicycle facilities, which are somewhat similar to the previously approved plan. Although they are not proffering the walking trail that would be supplied under the existing plan, they have proffered to design and dedicate an easement for the necessary space to accommodate the City's plans for a multi-use path known as the Bluestone Trail. This conceptual plan is part of the draft Bicycle and Pedestrian Plan, which is anticipated to be presented to Planning Commission in June. The Bluestone Trail would generally parallel Interstate 81 between the Port Republic Road/Hillside Avenue intersection and

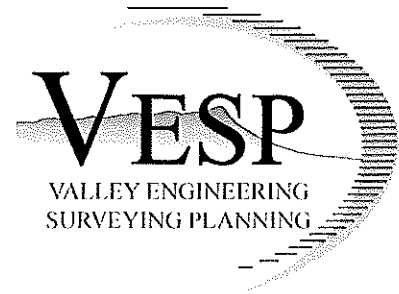


Pleasant Valley Road. On direction of City Council, City engineering staff has already begun designing the first phase of this trail. The developer has further proffered to construct their own multi-use path that would connect to the Bluestone Trail.

Although density would not increase, the developer's engineer re-evaluated the traffic impacts in this area and prepared a Traffic Impact Analysis (TIA) addendum to the previously completed TIA. Their evaluation concluded the proposed changes are likely to have little effect on the traffic conditions associated with the approved plan and that the traffic impact would probably be more favorable than the previously approved plan.

The developer and their engineer are also aware there are major stormwater drainage issues in the area around the Boxwood Court right-of-way. It will be their responsibility to address all appropriate issues related to stormwater management during the construction of this street.

Although staff has consistently recommended denial for residential development on this property, staff supports the requests. We believe the planned development with the idea to have all apartment units, more open/green space, the agreements for the easement and the connection to the Bluestone Trail, and the right-in/right-out scenario that could more effectively accommodate public transportation, improves upon the previously approved development plan and is ultimately better for the City. Staff recommends in favor of the rezoning and the special use permit request to allow more than 12 units per building.



March 9, 2010

City of Harrisonburg, Virginia  
Department of Community Development  
409 S. Main Street  
Harrisonburg, VA 22801

Reference: Rezoning Request for 2868 S Main Street

To whom it may concern,

Babcock, LLC, contract purchaser of the referenced site, is requesting the rezoning of associated parcels, from R-5C to R-5C (different conditions), to allow for the development of 466 mixed-family residential units. The existing governing plan of development is being modified, along with small modifications to the proffered conditions. These changes have prompted the need for such a rezoning. In general terms, the proposed development is identical in use (mixed-family residential) and size (466 units) to the previously proposed Southbury Station. Building types, road configuration and placement of amenities, however, are proposed to change. Most significantly, whereas the existing plan of development shows a mix of garden-style apartment buildings and townhouse-style condos, the proposed development will consist of only garden-style apartment buildings. The developer feels that these changes will make the development more marketable to its target audience, and allow for the preservation of more green space within the development.

As a representative for Babcock, LLC during this rezoning request, I encourage you to forward me any questions or concerns that may arise during review of the attached materials, so that they may be properly addressed prior to public hearings.

Sincerely,  
Valley Engineering • Surveying • Planning

Seth Roderick, PE  
Director of Planning & Transportation

May 5, 2010

Mr. Kurt Hodgen  
City Municipal Building  
345 S. Main St.  
Harrisonburg, VA 22801

Reference: Rezoning Request for 2868 S Main St. – Proffered Conditions

Dear Mr. Hodgen,

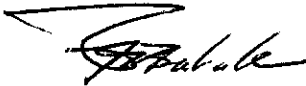
This letter is to serve as notice of proffered conditions for the requested rezoning of the referenced property, located on the eastern side of S Main Street (Route 11), located roughly between East Kaylor Dr. and Boxwood Ct. It has been requested to rezone this parcel from its present zoning of R5-C to that of R5-C with revised conditions. Babcock, LLC, the property's contract purchaser and Developer, hereby proffers that the development of the subject property (on this letter and referenced application for rezoning) shall be in strict accordance with the following conditions:

- 1) Roadway, parking, and building configurations within the proposed Development shall be in substantial conformance to the provided Plan of Development, except as allowed for in Item #9 below. However, it is understood that building and parking configurations may be modified during final grading and utility design or upon discovery of unforeseen circumstances in accordance with all applicable codes and ordinances.
- 2) No more than 466 units shall be constructed within the proposed Development.
- 3) The first phase of the Development shall consist of no more than 222 units.
- 4) A minimum of one hundred and ten percent (110%) of parking spaces required by the City of Harrisonburg parking regulations shall be provided within the proposed Development by time of completion.
- 5) The Developer shall not apply for or be granted a permanent certificate of occupancy for any residential unit within the Development prior to the completion of construction of East Kaylor Park Drive, between South Main Street and the proposed roundabout at site entrance, and acceptance of said construction by City Administration.
- 6) The Developer shall install landscaping at the center of the proposed roundabout island on East Kaylor Park Drive, to be located at the site entrance. Maintenance of such landscaping shall be the sole responsibility of the Developer. Should the Developer fail to maintain such landscaping to the satisfaction of City officials, the Developer shall reimburse the City for any and all costs associated with the City's removal of such landscaping.
- 7) The Developer shall install traffic signals at the intersection of South Main St. and Kaylor Park Dr., and shall bear all expenses associated therewith. The Developer shall not apply for or be granted a permanent certificate of occupancy for any residential unit within the Development prior to such traffic signals being accepted by City Administration.
- 8) An emergency access route to Boxwood Court, constructed to minimum City standards for emergency access routes, shall be provided as part of the first phase of the Development.
- 9) The Developer shall not apply for or be granted permanent certificates of occupancy for more than 222 residential units prior to the completion and acceptance (by City officials) of Boxwood Court, and completion of the private street connecting to it. As part of this construction, the intersection of Boxwood Court and South Main Street shall be improved to accommodate a "right-in, right-out" configuration, through implementation of a 2'-wide concrete median along a portion of South Main Street, as depicted in the attached Plan of Development. Alternatives and/or alterations to the intersection's proposed configuration shall be allowed if and when agreed to by both City Administration and the Developer.
- 10) The Developer shall install signage reading "No Parking – Violators Will Be Towed", or similar, along the primary private street within the Development.
- 11) Bike racks and a bus stop shelter shall be provided and installed by the Developer during the first phase of Development construction. Placement shall be coordinated with the City of Harrisonburg's Department of Public Transportation.
- 12) Architectural style of buildings shall be varied. At least thirty percent (30%) of the façade of each residential building shall be brick or stone veneer. There shall be no exposed corrugated steel or exposed masonry on buildings. Façade shall be defined as the main face or front of a building.

- 13) Street lighting shall be installed throughout the Development. Street lighting shall include fixtures intended to reduce glare and light pollution and shall be appropriate to a residential community.
- 14) The Developer shall install blue-light emergency phones throughout the Development, concurrently with the adjacent Development's construction. Placement of such phones shall be coordinated with the Harrisonburg Police Department.
- 15) Crime Prevention Through Environmental Design (CPTED) techniques shall be utilized in the design of the Development.
- 16) Open space parks and recreational facilities shall be developed concurrently with the adjacent residential Development. At least a portion of the recreational facilities shall be constructed during the first phase of the Development's construction. This first portion, at a minimum, shall consist of the Development's community center pool, a basketball court, a tennis court, a volleyball court, and an open recreational field.
- 17) The community center building shall be constructed during the first phase of the Development's construction.
- 18) Natural vegetative buffers and landscaping shall be installed concurrently with the adjacent residential Development in the following manner:
  - a. All areas not paved or built upon shall be seeded, covered with sod, or landscaped to provide an attractive appearance throughout the Development.
  - b. The primary private street shall be lined with deciduous trees, spaced at no greater distance than 50 feet. Trees shall be a minimum of 2" in caliper at time of planting.
  - c. Shade trees shall be planted either within or along the perimeter of all parking areas, at the rate of one tree per twenty parking spaces provided. Trees shall be a minimum of 2" in caliper at time of planting.
  - d. A ten-foot-wide vegetative buffer easement shall be provided along the western property line, to approximate limits depicted in the referenced Plan of Development, for the planting and maintenance of vegetative screening consisting of conifers and broadleaf evergreen trees and shrubs. Minimum heights at planting shall be 48" for such trees, and 24" for such shrubs.
  - e. Exceptions shall be made for instances that would impact emergency response or conflict with any applicable codes, ordinances or utility placement.
- 19) Bicycle and pedestrian facilities shall be provided, at a minimum, along the primary private street through the Development.
- 20) The Developer shall construct a multi-use path that shall connect bicycle and pedestrian facilities allowed for in Item #19, above, to a planned City multi-use path at the northern property limits. Details of this connection shall be designed in close coordination with City Staff at time of connection. Connection to City path shall be made within 180 days of the City's completion of connecting leg.
- 21) The Developer shall design and reserve an easement along the eastern side of the property for future dedication to City for the construction and maintenance of a ten-foot-wide multi-use path. Location of such trail is approximately shown on the referenced Plan of Development. Width of such easement shall generally be twenty feet (wider, as necessary for proper facility maintenance). Precise location and width of such easement shall be professionally designed, at the sole cost of the Developer, as part of the Development's first phase construction documents. Dedication of such easement to the City shall be made within 60 days of City's completion of construction of preceding connecting leg (referenced in Item #20, above). Should significant obstacles present themselves prior to the dedication of this easement, City Administration may refuse the requirements put forth in this proffered condition.

This letter supersedes and replaces my previous letter to you, dated March 9, 2010, and all subsequent revisions.

Sincerely,



Robert Babcock  
Babcock, LLC – contract purchaser / Developer



BUILDING TYPE A ELEVATION  
SCALE: 1/8" = 1'-0"

KAYLOR ON MAIN  
HARRISONBURG, VIRGINIA

PROJ. NO. 09-363 DATE: 04-22-2010 © 2010 EDWARD H. WINKS - JAMES D. SNOW ARCHITECTS, P.C.





BUILDING TYPE B ELEVATION

SCALE: 1/8" = 1'-0"

KAYLOR ON MAIN  
HARRISONBURG, VIRGINIA

PROJ. NO. 09-363 DATE: 04-22-2010 © 2010 EDWARD H. WINKS - JAMES D. SNOW ARCHITECTS, P.C.



CLUBHOUSE ELEVATION

SCALE: 1/8" = 1'-0"

KAYLOR ON MAIN  
HARRISONBURG, VIRGINIA

PROJ. NO. 09-363 DATE: 04-22-2010 © 2010 EDWARD H. WINKS - JAMES D. SNOW/ARCHITECTS, P.C.

1. DUTY AS SHOWN HEREON IS ACCORDING TO RECORDED INFORMATION AND A PRIOR FIELD SURVEY.
2. TAX MAP DESIGNATIONS ARE AS SHOWN HEREON.
3. BEARINGS ARE ROTATED TO PLAT RECORDED IN D.B. 1774, Pg. 205.
4. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR COMMITMENT, AND THEREFORE MAY NOT INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
5. THE SURVEYED PREMISES IS LOCATED WITHIN FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.1% ANNUAL CHANCE FLOOD PLAIN) ACCORDING TO THE FLOOD INSURANCE RATE MAP FOR THE CITY OF MILWAUKEE, WISCONSIN, COMMUNALITY OF RISK, EFFECTIVE DATE FEBRUARY 6, 2006.
6. THIS PROPERTY IS PRESENTLY IN THE NAME OF BILL V. NETT.

PLAT SHOWING  
60.431 ACRES  
of LAND  
PRESENTLY in the  
NAME of  
BILL V. NEFF

SCALE 1" = 200' MARCH 4, 2010

3231 PEOPLES DRIVE  
HARRISONBURG, VIRGINIA 22801  
TELEPHONE (540) 494-6365  
or (800) 343-6365  
FAX (540) 432-0685  
[www.valleyesp.com](http://www.valleyesp.com)

200	100	0	200	400
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FILE #6895-7, EXP. #4068-2  
SHEET 1 of 2

○ IRON PIN FOUND  
 ☒ MONUMENT  
 □ POST FOUND  
 △ IRON PIPE FOUND  
 ⊗ P.K. NAIL FOUND  
 ○ POINT

VICINITY MAP  
SCALE 1" = 2,000'

**49.988 ACRES**  
**D.B. 1774, Pg. 206**  
**T.M. 2 (C) 1**

3.977 ACRES  
D.B. 2161, Pg. 477  
SEE DETAIL 'A'  
on SHEET 2

ES. INC.  
Pg. 512  
(A) 4

BILL V. NEFF  
3435, Pg. 775

—

M. 7 (B) 15

8, Pg. 378

D.S. 14  
T.M.

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76

D.B. 702, Pg. 6

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**BILL V. NEFF**

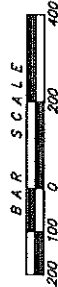
SCALE 1" = 200' MARCH 4, 2010

3231 PEOPLES DRIVE  
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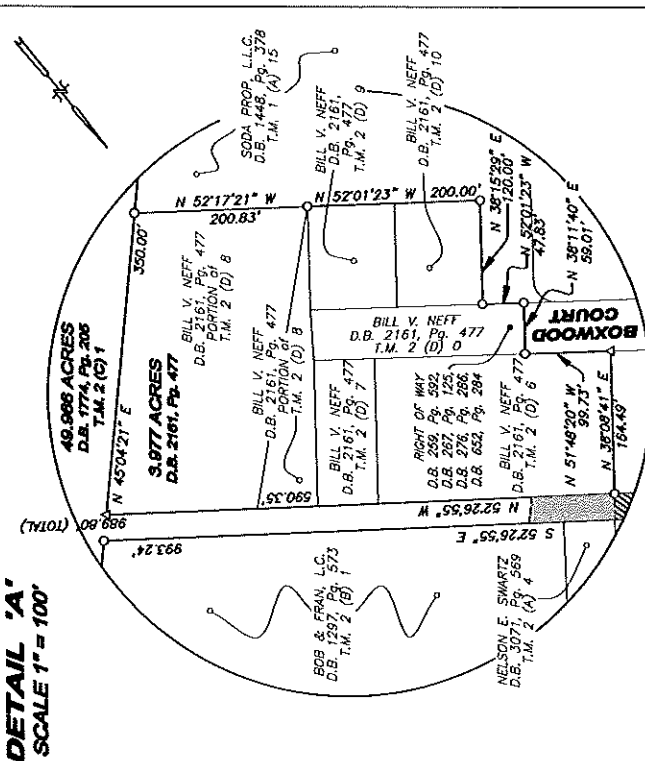
FILE #6895-7, EXP. #4068-2  
SHEET 1 of 2

CURVE CHART						
CURVE	A	R	A	OB	C	
1	04°32'31"	7732.44	612.97	S 54°44'00" W	612.81'	
2	90°00'00"	25.00'	38.27	S 77°58'31" E	38.36'	
3	11°31'42"	275.00'	55.34	N 62°47'29" E	55.25'	





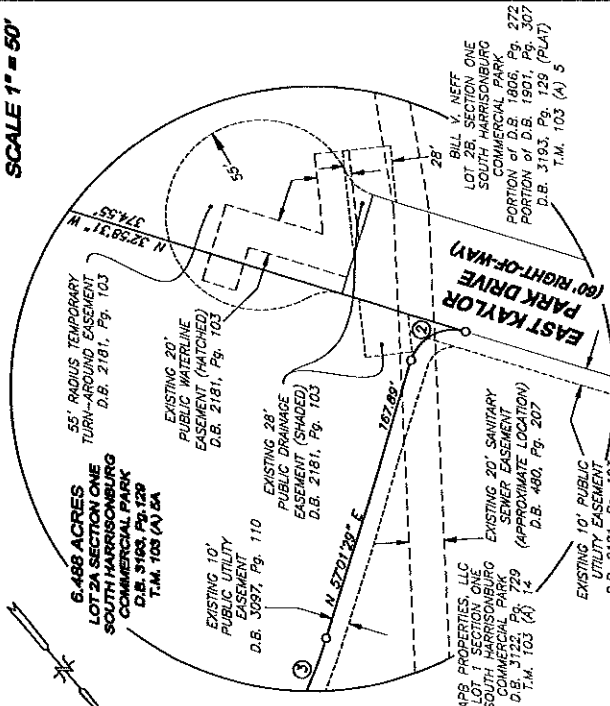
**DETAIL 'A'**  
**SCALE 1" = 100'**



**METES & BOUNDS DESCRIPTION**  
**3.977 ACRES**

BEGINNING AT AN IRON PIPE FOUND IN THE NORTHEASTERN LINE OF BOWWOOD COURT, SAID PIPE BEING REFERENCED AS 51° 45' 20" E. 305.92' FROM AN IRON PIN FOUND IN THE SOUTHEAST LINE OF SOUTH MAIN STREET, SAID PIPE ALSO BEING A CORNER TO BILL V. NEFF; THENCE LEAVING SAID BOWWOOD COURT AND WITH SAID NEFF. N 35° 08' 41" E 164.04' TO AN IRON PIN IN THE LINE OF OTHER LANDS OF BILL V. NEFF; THENCE WITH SAID OTHER LANDS OF BILL V. NEFF. S 52° 25' 55" E. 690.35' TO AN IRON PIPE FOUND; THENCE S 45° 04' 21" W 320.00' TO AN IRON PIN FOUND, SAID PIN BEING A CORNER TO BODA PROP. LLC.; THENCE WITH SAID BODA PROP. LLC. N 52° 17' 21" W 200.83' TO AN IRON PIN FOUND; THENCE N 52° 01' 23" W 200.00' TO AN IRON PIN FOUND; THENCE N 35° 15' 29" E 126.00' TO AN IRON PIN FOUND; THENCE N 52° 01' 23" W 47.53' TO AN IRON PIN FOUND, SAID PIN BEING A CORNER TO THE SOUTHEASTERN END OF THE APPOINTMENTED BOWWOOD COURT; THENCE WITH SAID EASTERN END OF BOWWOOD COURT. N 35° 11' 40" E 69.01' TO AN IRON PIN FOUND BY A MONUMENT; THENCE WITH THE NORTHEASTERN LINE OF SAID BOWWOOD COURT. N 51° 48' 20" W 99.73' TO THE BEGINNING, CONTAINING 3.077 ACRES OF LAND.

**DETAIL 'B'**  
**SCALE 1" = 50'**

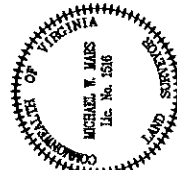


**METES & BOUNDS DESCRIPTION - 49.986 ACRES**

BEGINNING AT AN IRON PIN FOUND IN THE SOUTHEASTERN LINE OF SOUTH MAIN STREET, SAID PIN BEING A CORNER TO WILLIAM J. LONG, JR., *et al*; THENCE WITH THE SAID SOUTHEASTERN LINE OF SOUTH MAIN STREET *N 89°16'53" W* *30.00'* TO AN IRON PIN FOUND, SAID PIN BEING A CORNER TO E & M AUTO PART AND SUPPLY CORP.; THENCE LEAVING SAID SOUTH MAIN STREET AND WITH THE LANDS OF SAID E & M AUTO PART AND SUPPLY CORP., THE LANDS OF EDWARD PLEASANTS PRICE, THE LANDS OF NELSON E. SWARTZ, AND THE LANDS OF BOB F. FRAN, L.C. *S 82°29'53" E* *983.34'* TO AN IRON PIN FOUND; THENCE CONTINUING WITH SAID BOB F. FRAN, L.C. *N 48°48'24" E* *488.39'* TO AN IRON PIN FOUND, SAID PIN BEING A COMMON CORNER TO SAID BOB F. FRAN, L.C. AND GILES R. & DONNA S. STONE; THENCE WITH SAID STONE *S 57°17'02" E* *888.65'* TO AN IRON PIN FOUND IN THE WESTERN LINE OF THE C & W RAILROAD; THENCE WITH THE WESTERN LINE OF SAID C & W RAILROAD *S 89°32'55" W* *318.01'* TO A FOUND VGM MONUMENT, SAID MONUMENT BEING THE INTERSECTION POINT OF THE WESTERN LINE OF THE SAID C & W RAILROAD WITH THE NORTHWESTERN LINE OF INTERSTATE 81; THENCE WITH THE SAID NORTHWESTERN LINE; THENCE *S 67°00'15" W* *1683.00'* TO AN IRON PIN FOUND BY A VGM MONUMENT; THENCE *S 83°12'20" W* *351.95'* TO A FOUND VGM MONUMENT; THENCE *S 49°59'24" W* *382.27'* TO A FOUND VGM MONUMENT; THENCE *S 67°00'15" W* *782.89'* TO AN IRON PIN FOUND, SAID PIN BEING A CORNER TO LOT 24, SECTION ONE, SOUTH HARRISONBURG COMMERCIAL PARK; THENCE LEAVING SAID INTERSTATE 81 AND WITH SAID LOT 24 *N 41°54'13" W* *521.84'* TO AN IRON PIPE FOUND, SAID PIPE BEING A COMMON CORNER TO SAID LOT 24, THE LANDS OF VALLEY LANS, INC. AND THE LANDS OF BILL V. NEFF; THENCE IN PART WITH THE LANDS OF SAID BILL V. NEFF AND IN PART WITH THE LANDS OF VALLEY ENTERPRISES, INC. *N 44°44'49" E* *1063.41'* TO A FOUND POST, SAID POST BEING A COMMON CORNER TO SAID VALLEY ENTERPRISES, INC. AND THE LAND OF JAM APARTMENTS, L.C.; THENCE WITH SAID JAM APARTMENTS, L.C. *N 45°20'48" E* *382.36'* TO AN IRON PIN FOUND, SAID PIN BEING A COMMON CORNER TO JAM APARTMENTS, L.C. AND SAID SODA PROP, L.L.C.; THENCE WITH SAID SODA PROP, L.L.C. *N 45°19'30" E* *515.48'* TO AN IRON PIN FOUND, SAID PIN BEING A COMMON CORNER TO SAID SODA PROP, L.L.C. AND THE OTHER LANDS OF BILL V. NEFF; THENCE WITH SAID NEFF *N 45°04'21" E* *388.00'* TO AN IRON PIPE FOUND; THENCE CONTINUING WITH SAID NEFF AND THE LANDS OF THE APPOINTMENTED WILLIAM J. LONG, JR. *et al* *S 82°29'53" W* *988.80'* TO THE BEGINNING, CONTAINING 42.986 ACRES OF LAND.

**METES & BOUNDS DESCRIPTION**  
**LOT 2A, SECTION ONE,**

BEGINNING AT AN IRON PIN FOUND IN THE NORTHEASTERN LINE OF EAST KAYLOR PARK DRIVE, SAID PIN BEING A CORNER TO LOT ONE, SECTION ONE, SOUTH HARBOURSLING COMMERCIAL PARK, SAID PIN ALSO BEING THE POINT OF CURVATURE OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 23.00' AND A DELTA OF 90° 00' 00"; THENCE LEAVING SAID EAST KAYLOR PARK DRIVE WITH SAID LOT 1, SECTION ONE, SOUTH HARBOURSLING COMMERCIAL PARK AND WITH THE ARC OF SAID CURVE A DISTANCE OF 30.27', CHORD S 77° 03' 31" E 30.30' TO AN IRON PIN FOUND, SAID PIN BEING THE POINT OF TANGENCY; THENCE N 57° 01' 29" E 167.00', TO AN IRON PIN FOUND, SAID PIN BEING THE POINT OF CURVATURE OF A CURVE TO THE RIGHT; SAID CURVE HAVING A RADIUS OF 276.00' AND A DELTA OF 11° 51' 47"; THENCE WITH THE ARC OF SAID CURVE A DISTANCE OF 66.34', CHORD N 82° 47' 22" E 65.28' TO AN IRON PIN FOUND; THENCE N 10° 40' 23" W 51.40' TO AN IRON PIN FOUND, SAID PIN BEING A COMMON CORNER TO SAID LOT ONE AND THE LANDS OF ROGER B. & KAREN T. MICHAEL; THENCE WITH SAID MICHAEL N 32° 54' 58" E 121.70' TO AN IRON PIN FOUND; THENCE N 42° 01' 40" W 37.49' TO AN IRON PIN FOUND, SAID PIN BEING A COMMON CORNER TO SAID VALLEY LANCES, INC. AND THE LANDS OF VALLEY LANCES, INC.; THENCE WITH SAID VALLEY LANCES, INC. S 41° 54' 13" E 521.84' TO AN IRON PIN FOUND, SAID PIN BEING A COMMON CORNER TO SAID VALLEY LANCES, INC. AND THE LANDS OF BELL V. NEFF; THENCE WITH SAID NEFF INTERSTATE 61; THENCE WITH THE SAID NORTHWESTERN LINES OF INTERSTATE 61 S 57° 00' 16" W 102.73' TO A ROAD 100' MONUMENT, SAID MONUMENT BEING THE POINT OF CURVATURE OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 7732.44' AND A DELTA OF 04° 32' 31"; THENCE WITH THE ARC OF SAID CURVE A DISTANCE OF 612.08', CHORD S 54° 44' 00" W 612.91' TO AN IRON PIN FOUND, SAID PIN BEING A CORNER TO LOT 28, SECTION ONE, SOUTH HARBOURSLING COMMERCIAL PARK; THENCE LEAVING SAID INTERSTATE 61 AND IN PART WITH SAID LOT 28, AND IN PART WITH THE AFOREMENTIONED NORTHEASTERN LINE OF EAST KAYLOR PARK DRIVE N 32° 58' 31" W 374.53' TO THE BEGINNING, CONTAINING 6.488 ACRES OF LAND.



**BILL V. NEFF**  
**(Contract Purchaser: Babcock, LLC)**

**REZONING REQUEST – MASTER PLAN AMENDMENT**

**PROPERTY SCHEDULE**

**March 9, 2010**

PROPERTIES INCLUDED IN REZONING (Master Plan Amendment) REQUEST:

TM 2 – C – 1	49.996 Acres	Zoned R-5C
TM 2 – D – 0	0.33 Acres	Zoned R-5C
TM 2 – D – 6	1.047 Acres	Zoned R-5C
TM 2 – D – 7	0.27 Acres	Zoned R-5C
TM 2 – D – 8	1.777 Acres	Zoned R-5C
TM 2 – D – 9	0.28 Acres	Zoned R-5C
TM 2 – D – 10	0.28 Acres	Zoned R-5C
TM 103 – A – 5A	6.62 +/- Acres	Zoned R-5C

TOTAL AREA - 60.4+/- ACRES

Date Application Received: \_\_\_\_\_

Total Paid: \_\_\_\_\_

## Application for Change of Zoning District City of Harrisonburg, Virginia

### Section 1: Property Owner's Information

Name: Bill Neff {Contract Purchaser: Babcock, LLC}

Street Address: 3570 N. Valley Pk. {11533 Nuckols Rd., St. C} Email: \_\_\_\_\_

City/State/Zip: Harrisonburg, VA 22802 {Glen Allen, VA 23059}

Telephone (work): 540-434-9593 {804-612-1636} (home or cellular): \_\_\_\_\_ (fax): {804-612-1638}

### Section 2: Owner's Representative Information

Name: Valley Engineering Surveying Planning

Street Address: 3231 Peoples Drive Email: sroderick@valleyesp.com

City/State/Zip: Harrisonburg, VA 22801

Telephone (work): (540)434-6365 (home or cellular): \_\_\_\_\_ (fax): (540)432-0685

### Section 3: Description of Property

Location (street address): 2868 South Main Street

Tax Map Number: Sheet: See Attached Schedule Block: See Attached Schedule Lot: See Attached Schedule Total Land Area (acres or square feet): 60.431 AC

Existing Zoning District: R-5C Proposed Zoning District \* : R-5C

Existing Comprehensive Plan Designation: Residential

*\*If applying for conditional rezoning, provide a letter stating proffers on separate sheet of paper*

### Section 4: Application Fee

\$325.00 plus \$25.00 per acre, and if applicable, Fees for a Traffic Impact Analysis (TIA) Review (see below)

- (a). Would the development from this rezoning require a Traffic Impact Analysis by VDOT?

Yes ☒ No ☐ (Previously submitted; addendum to follow)

*If yes, then fees must be made payable to VDOT to cover costs associated with the TIA review.*

**PLEASE NOTE – If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.**

- (b). Would the development from this rezoning require a Traffic Impact Analysis review by the City?

Yes ☒ No ☐ (Previously submitted; addendum to follow)

*If yes, then an additional \$1,000.00 must be made payable to the City to cover costs associated with the TIA review.*

**PLEASE NOTE – If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.**

### Section 5: Names and Addresses of Adjacent Property Owners (Use separate sheet for additional names)

North: See Attached List

East: \_\_\_\_\_

South: \_\_\_\_\_

West: \_\_\_\_\_

### Section 6: Certification

I certify that the information contained herein is true and accurate.

Signature Bill Neff  
Owner

Signature [Signature]  
Contract Purchaser

**See Back for Items Required for Submission**

Date Application Received: 4-13-2010

**Application for Special Use Permit**  
**City of Harrisonburg, Virginia**

Fee: \$325.00

Total Paid: \$ 325.00 AB.

Property Owner's Name: Bill Neff {Contract Purchaser: Babcock, LLC}

Street Address: 3570 N. Valley Pk. {11533 Nuckols Rd., St. C} Email: \_\_\_\_\_

City: Harrisonburg {Glen Allen} State: VA {VA} Zip: 22802 {23059}

Telephone: Work 540 434-9593 Fax {804 612-1638} Mobile \_\_\_\_\_  
{804 612-1636}

Owner's Representative: Valley Engineering Surveying Planning

Street Address: 3231 Peoples Drive Email: sroderick@valleyesp.com

City: Harrisonburg State: VA Zip: 22801

Telephone: Work 540 434-6365 Fax 540 432-0685 Mobile \_\_\_\_\_

**Description of Property and Request**

Location (Street Address): 2868 South Main Street

Tax Map Number Sheet: See Attached Schedule Block: See Attached Schedule Lot: See Attached Schedule Lot Area: 60.4 acres

Existing Zoning Classification: R-5C

Special Use being requested: Sec 10-3-55.4 (1) - Multiple family dwellings of more than twelve (12) units per building.

Please provide a detailed description of the proposed (use additional pages may be attached): \_\_\_\_\_

Buildings requiring special use are 14 - 24 units per building with 3 - 4 stories per building. Units per building are labeled on the proposed Plan of Development included with the rezoning application.

Names and Addresses of Adjacent Property Owners (Use separate sheet for additional names)

North: See Attached List

South: \_\_\_\_\_

East: \_\_\_\_\_

West: \_\_\_\_\_

**Certification:** *I certify that the information contained herein is true and accurate.*

Signature: \_\_\_\_\_  
*Property Owner* *Contract Purchaser*

**ITEMS REQUIRED FOR SUBMISSION**

- ☐ Completed Application
- ☐ Site Plan
- ☐ Description of Proposed Use
- ☐ Adjacent Property Owners

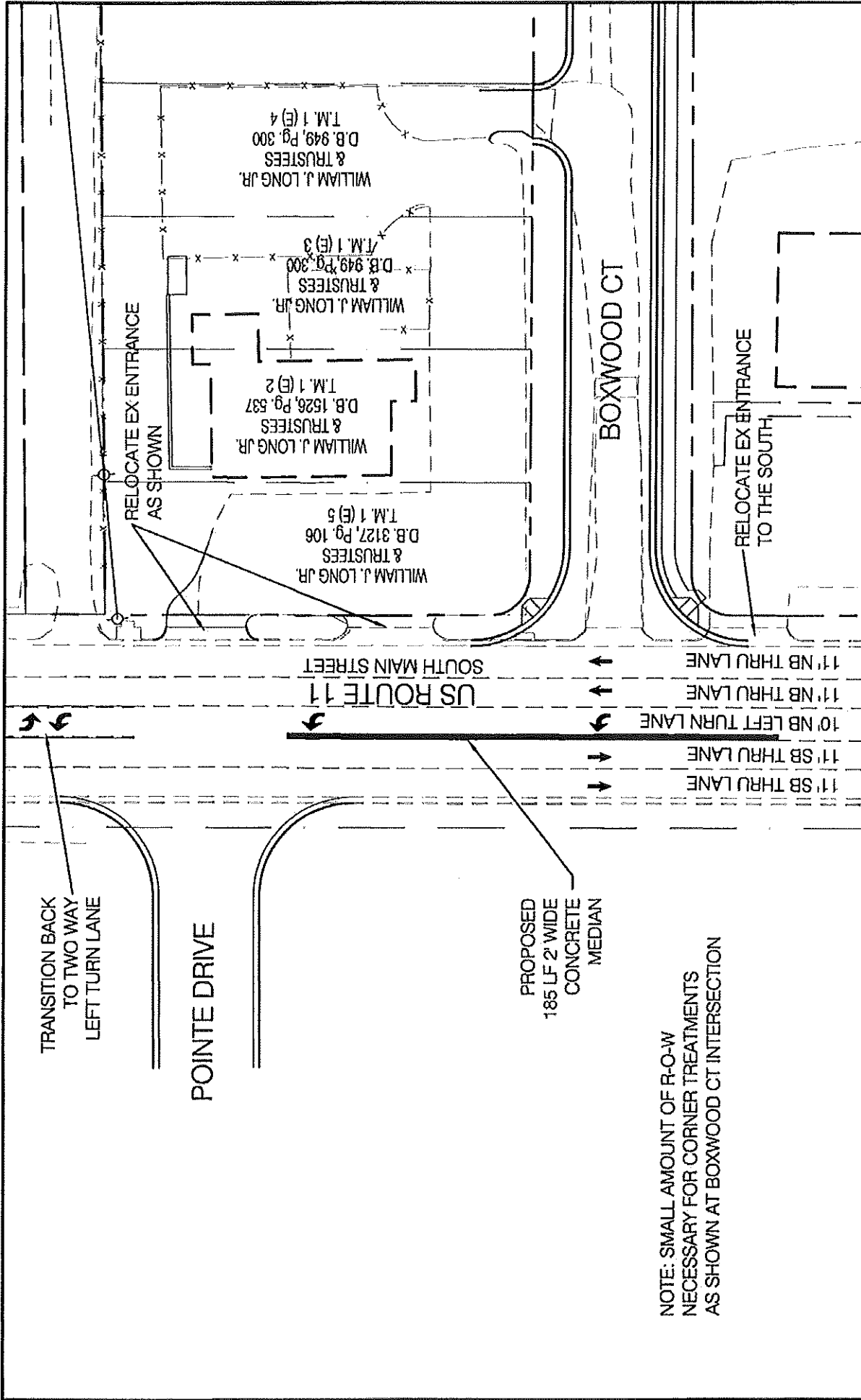
- ☐ Fees Paid
- ☐ Property Located on Tax Map
- ☐ \_\_\_\_\_
- ☐ \_\_\_\_\_


SOUTHBURY STATION  
ADJACENT PROPERTY OWNERS

- |  |  |
|--|--|
| 1. TM# 103-B-1<br>Tenneco Inc.<br>3160 Abbott Ln<br>Harrisonburg, VA 22801<br>Zone: M-1<br>Land Use: General Industrial            | 7. TM# 1-A-13<br>Ben Saadatmand<br>Boxwood Ct<br>Harrisonburg, VA 22801<br>Zone: B-2<br>Land Use: Commercial               |
| 2. TM# 2-B-5<br>Giles R. & Donna S. Stone<br>2600 S Main St<br>Harrisonburg, VA 22801<br>Zone: M-1<br>Land Use: Commercial         | 8. TM# 1-A-15<br>Soda Prop, LLC<br>2950 S Main St<br>Harrisonburg, VA 22801<br>Zone: B-2<br>Land Use: Commercial           |
| 3. TM# 2-B-1<br>Bob & Fran LC<br>2900 S Main St<br>Harrisonburg, VA 22801<br>Zone: M-1<br>Land Use: Commercial                     | 9. TM# 1-B-15<br>J M Apartments<br>40 S Main St<br>Harrisonburg, VA 22801<br>Zone: B-2<br>Land Use: Commercial ✓           |
| 4. TM# 1-E-5<br>Bill V. Neff<br>Boxwood Court<br>Harrisonburg, VA 22801<br>Zone: B-2<br>Land Use: Commercial                       | 10. TM# 1-B-18<br>Valley Enterprises Inc.<br>3050 S Main St<br>Harrisonburg, VA 22801<br>Zone: B-2<br>Land Use: Commercial |
| 5. TM# 1-E-4<br>William J. Long & Others Trustees<br>2870 S Main St<br>Harrisonburg, VA 22801<br>Zone: B-2<br>Land Use: Commercial | 11. TM# 1-B-21<br>Base, LLC<br>3090 S Main St<br>Harrisonburg, VA 22801<br>Zone: B-2<br>Land Use: Commercial               |
| 6. TM# 1-E-3<br>William J. Long & Others Trustees<br>2870 S Main St<br>Harrisonburg, VA 22801<br>Zone: B-2<br>Land Use: Commercial | 12. TM# 103-A-4<br>Valley Lanes Inc.<br>3114 S Main St<br>Harrisonburg, VA 22801<br>Zone: B-2<br>Land Use: Commercial      |

13. TM# 1-E-2  
William J. Long & Others Trustees  
2870 S Main St  
Harrisonburg, VA 22801  
Zone: B-2  
Land Use: Commercial
14. TM# 1-E-1  
William J. Long & Others Trustees  
2870 S Main St  
Harrisonburg, VA 22801  
Zone: B-2  
Land Use: Commercial
15. TM# 103-A-5  
Bill V. Neff  
3180 S Main St  
Harrisonburg, VA 22801  
Zone: B-2  
Land Use: Commercial
16. TM# 103-A-10  
3210 Main, LLC  
3160 S Main St  
Harrisonburg, VA 22801  
Zone: B-2  
Land Use: Commercial
17. TM# 103-A-12  
Pete & Pete LC  
3190 S Main St  
Harrisonburg, VA 22801  
Zone: B-2  
Land Use: Commercial
18. TM# 103-A-9  
Massanutten Bank & Trust  
3150 S Main St  
Harrisonburg, VA 22801  
Zone: B-2  
Land Use: Commercial
19. TM# 103-B-2  
City of Harrisonburg Lessee  
Abbott Ln  
Harrisonburg, VA 22801  
Zone: M-1  
Land Use: General Industrial
20. TM# 103-B-3  
Tenneco Inc.  
210 Pleasant Valley Rd  
Harrisonburg, VA 22801  
Zone: M-1  
Land Use: General Industrial
21. TM# 2-A-4  
Solenberger JNO & Co.  
2864 S Main St  
Harrisonburg, VA 22801  
Zone: M-1  
Land Use: Commercial
22. TM# 1-D-9      2 A 4  
Nelson E. Swartz  
2885 S Main St  
Harrisonburg, VA 22801  
Zone: B-2  
Land Use: Commercial ✓
23. TM# 1-D-1  
Nelson E. Swartz  
2811 S Main St  
Harrisonburg, VA 22801  
Zone: B-2  
Land Use: Commercial
24. TM# 2-A-7  
E & M Auto Paint & Supply  
2860 S Main St  
Harrisonburg, VA 22801  
Zone: B-2  
Land Use: Commercial ✓

25. TM# 103-A-6  
Roger B. & Karen T. Michael  
3116 S Main St  
Harrisonburg, VA 22801  
Zone: B-2  
Land Use: Commercial
26. TM# 3-A-1  
City of Harrisonburg Old Sew Pl.  
2155 Beery Rd  
Harrisonburg, VA 22801  
Zone: M-1  
Land Use: Public Semi Public
27. TM# 103-A-7  
Keith E. & Connie S. Teter  
3120 S Main St  
Harrisonburg, VA 22801  
Zone: B-2  
Land Use: Commercial
28. TM# 1-A-14  
Ben Saadatmand  
Boxwood Court  
Harrisonburg, VA 22801  
Zone: B-2  
Land Use: Commercial
29. TM# 98-A-1  
City of Harrisonburg  
1020 Greendale Rd  
Harrisonburg, VA 22801  
Zone: R-1  
Land Use: Conservation Recreation
30. TM# 104-A-2  
84 Lumber  
84 Pleasant Valley Rd  
Harrisonburg, VA 22801  
Zoned: B-2  
Land Use: Commercial
31. TM# 2-A-8  
Price Edmund Pleasants  
2862 S Main St  
Harrisonburg, VA 22801  
Zone: B-2  
Land Use: Commercial
32. TM# 103-A-14  
Bill V. Neff  
3170 S Main St  
Harrisonburg, VA 22801  
Zoned: B-2  
Land Use: Commercial
33. TM# 104-A-3  
Trubitz  
90 Pleasant Valley Rd  
Harrisonburg, VA 22801  
Zoned: B-2  
Land Use: Commercial



PROJECT No. 9247-2		EXPANDER No. 4068-2		2' CONCRETE MEDIAN SKETCH	
DATE 04/02/10		 <b>VALLEY ENGINEERING - SURVEYING - PLANNING</b> 3231 PEOPLES DRIVE HARRISONBURG, VIRGINIA 22801 TELEPHONE (540) 434-6365 OR (800) 343-6365 FAX (540) 432-0685 www.valleyesp.com			
SCALE 1"=50'		<b>BOXWOOD COURT</b> CITY OF HARRISONBURG, VIRGINIA			
SHEET 1 of 1					









# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

## STAFF REPORT

May 12, 2010

Staff is recommending two Zoning Ordinance corrections as well as to consider an additional regulation to the Zoning Ordinance. Each change is described below.

### ZONING ORDINANCE AMENDMENT

#### Section 10-3-21

Section 10-3-21 is currently a "Reserved" section of the Zoning Ordinance that falls within Article E. Nonconforming Buildings and Uses. Staff would like to add a new regulation to be placed in this section of the Zoning Ordinance to regulate the conformance of property and how it should be handled when it is affected by the purchase or condemnation of such for public use. Staff is still discussing the implementation and interpretation specifics of this draft ordinance and would like to continue this hearing until the June 9, 2010 Planning Commission meeting.

### ZONING ORDINANCE AMENDMENT

#### Section 10-3-84

Staff is proposing two grammatical corrections within Section 10-3-84, which is the Uses Permitted By Right section of the B-1, Central Business District. The corrections are both within subsection (3), which permits "Hotels, motels and building used for dwelling unit(s), CBD, as defined under section 10-3-24, Dwelling unit(s), CBD, may be occupied by a family or not more than four (4) persons, except that such occupancy may be superseded by building regulations.

Staff would like to make the first use of the word "building," plural, and then exchange the comma after "10-3-24," for a period, to more accurately end that sentence.

Staff supports a positive recommendation to City Council.

### ZONING ORDINANCE AMENDMENT

#### Section 10-3-109

Staff is proposing to make a modification to Section 10-3-109, the "Purpose" section that explains the governing regulations for Article T. Modifications and Adjustments. This section currently states, "The regulations set forth in this article modify, supplement or quality the regulations appearing elsewhere in this chapter." Staff is proposing to simply change the term "quality" to "qualify" to accurately reflect the intention of this statement.

Staff supports a favorable recommendation to City Council.

# ORDINANCE AMENDMENTS

**Zoning Ordinance Sections  
10-3-84, 10-3-109**

Draft

ORDINANCE AMENDING AND RE-ENACTING SECTION

10-3-84

OF THE

CODE OF ORDINANCES

CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-84 be amended as follows:**

**Section 10-3-84. Uses permitted by right.**

**Subsection (3) shall be as shown:** *(replace a comma with a period after "10-3-24" and make "building" plural.)*

(3) Hotels, motels and buildings used for dwelling unit(s), CBD, as defined under section 10-3-24. Dwelling unit(s), CBD, may be occupied by a family or not more than four (4) persons, except that such occupancy may be superseded by building regulations.

The remainder of Section 10-3-84 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_\_ day of \_\_\_\_\_, 2010.  
Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
**MAYOR**

ATTESTE:

\_\_\_\_\_  
CLERK OF THE COUNCIL

Draft

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-109

OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-109 be amended as follows:**

**Section 10-3-109. Purpose.**

**Amend as shown:**

The regulations set forth in this article modify, supplement or ~~quality~~ *qualify* the regulations appearing elsewhere in this chapter.

The remainder of Section 10-3-109 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_\_ day of \_\_\_\_\_, 2010.  
Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
**MAYOR**

ATTESTE:

\_\_\_\_\_  
CLERK OF THE COUNCIL

## April 2010 Proactive-Zoning Report

For the month of April 2010 the proactive-zoning program targeted the **S. Main St.** section of the city. During the proactive inspections a total of **two violations** were found. This was an increase in the number of violations from the first 3-year cycle and second 3-year cycle as noted in the chart below. The violations consisted of inoperable vehicles.

MONTH	SECTOR	VIOLATIONS	CORRECTED	1 <sup>st</sup> CYCLE	2 <sup>nd</sup> CYCLE
December 2008	Wyndham Woods	4	4	2	0
January 2009	Northfield	19	19	21	6
February 2009	Purcell Park	5	5	7	6
March 2009	Parkview	16	16	19	7
April 2009	Northeast	63	63	80	45
May 2009	Ind./Tech Park	0	0	0	1
June 2009	Exit 243	1	1	10	0
July 2009	Fairway Hills	0	0	1	0
August 2009	Smithland Rd.	0	0	0	4
September 2009	N. Main St.	4	4	13	4
October 2009	Liberty St.	18	18	6	4
November 2009	Westover	17	17	18	8
December 2009	Garber's Church	1	1	1	2
January 2010	Spotswood Acres	1	1	6	4
February 2010	Jefferson St.	35	31	26	22
March 2010	Forest Hills/JMU	1	1	6	1
April 2010	S. Main St.	2	n/a	1	0
May 2010	Hillandale			7	5
June 2010	Maplehurst/JMU			6	5
July 2010	Long Ave/Norwood			12	28
August 2010	Greystone			13	10
September 2010	Greendale/SE			3	2
October 2010	Ramblewood			4	8
November 2010	Stone Spring Village/JMU			2	10
December 2010	Sunset Heights			7	29
January 2011	Reherd Acres			10	12
February 2011	RT 33 West			0	16
March 2011	Chicago Ave			16	22
April 2011	Pleasant Hill			4	13
May 2011	Avalon Woods			7	26
June 2011	Waterman Elementary			6	61
July 2011	Bluestone Hills & Valley Mall			3	33
August 2011	Keister Elementary			6	5
September 2011	500-600 S. Main			7	30
October 2011	Court Square			0	3
November 2011	Preston Heights			8	3

The proactive-zoning program for May 2010 will be directed towards the enforcement of the Zoning Ordinance in the **Hillandale** section of the City.

# Proactive Zoning Map

